

Central Intelligence Agency



Washington, D.C. 20505

JAN 27 2012

Mr. Jason Smathers
MuckRock News
DEPT MR 706
Boston, MA 02205-5819

Reference: F-2011-01843

Dear Mr. Smathers:

This responds to your 14 October 2011 letter appealing our 02 September 2011 final response to your Freedom of Information Act (FOIA) request, submitted on behalf of MuckRock News, for "all communication to or from any member of the US Congress or their representatives where the communication is on, about, mentioning or concerning unmanned aircraft (aka drones)." Specifically, you appealed our determination that the CIA can neither confirm nor deny the existence or nonexistence of records responsive to your request on the basis of FOIA exemptions (b)(1) and (b)(3).

The Agency Release Panel (ARP) considered your appeal and sustained the determination that the CIA can neither confirm nor deny the existence or nonexistence of records responsive to your request. The "fact of" the existence or nonexistence of requested records is currently and properly classified and is intelligence sources and methods information that is protected from disclosure by section 6 of the CIA Act of 1949, as amended, and section 102A(i)(1) of the National Security Act of 1947, as amended. You may consider this response to be a denial of your request pursuant to FOIA exemptions (b)(1) and (b)(3). Therefore, in accordance with Agency regulations set forth in part 1900 of title 32 of the Code of Federal Regulations, the ARP denied your appeal. In accordance with the provisions of the FOIA, you have the right to seek judicial review of this determination in a United States district court.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Viscuso", with a long horizontal flourish extending to the right.

Susan Viscuso
Executive Secretary
Agency Release Panel